

Application No. 10/509,471

**REMARKS**

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 21, 23-28, and 30-44 are pending in the present application, with claims 21, 43, and 44 being independent.

**STATEMENT OF SUBSTANCE OF INTERVIEW**

A telephone interview was conducted on August 4, 2010, between rhw Examiner Applicant's representative. Claims 21, 43 and 44 and DE 10123561 ("Marius") and Einighammer were discussed. The examiner suggested claiming "detector devices" instead of "detectors" in the independent claims to overcome the rejections under 35 U.S.C. 101. The examiner also agreed that claim 43, which recites first and second specific wavelengths, was allowable. The examiner indicated that independent claims 21 and 44 would also be allowable if amended to include limitations regarding specific wavelengths similar to the limitations of claim 43. However, the examiner also indicated that the limitation "transmitted through the object" found in original claim 44 and in amended claim 21 appeared to distinguish over the references and that arguments regarding this limitation would be considered when a written response was filed. Agreement was reached regarding the rejections under 35 U.S.C. 101 and the art-based rejections of claim 43; agreement was not reached with regard to the remaining claims.

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REJECTIONS UNDER 35 U.S.C. 101

Claims 21, 23-28 and 30-44 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. By the above amendment, claims 21, 43 and 44 have been amended to recite "detector devices," and the examiner agreed during the telephone interview that this amendment would overcome the rejections under 35 U.S.C. 101. Wherefore, the withdrawal of the claim rejections under 35 U.S.C. 101 is respectfully requested.

REJECTIONS UNDER 35 U.S.C. 103(a)

Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Marius in view of Bolle and further in view of Einighammer. As amended, claim 21 recites a method for recognition of biometric data that includes, inter alia, illuminating an object using a light source, and simultaneously acquiring a plurality of images of the object from at least two different imaging directions using at least one optical detector device, wherein the illuminating of the object includes directing an illumination path coming laterally from the light source onto the object, and wherein the acquiring of numerical data includes analyzing both a reflected portion and a portion transmitted through the object using at least one of a spectroscopic analysis and a scattered-light-spectroscopic analysis. Support for this amendment can be found, for example, in Figure 6, which illustrates reflected light R being detected by one detector 2.2 and light T transmitted through an object being detected by a second detector 2.4. As discussed during the interview, the art of record does not show at least the detection of light transmitted through an object - Einighammer shows only the detection of reflected light.

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For at least this reason, claim 21 as amended is submitted to be allowable over the art of record.

Claims 23-28 and 30-42 depend from claim 21 and are submitted to be allowable for at least the same reasons as claim 21.

Claim 43, in addition to reciting detection of light transmitted through an object, also recites "wherein a first wavelength is 678 nm and a second wavelength ranges from 808 nm to 835 nm, the first wavelength representing light to acquire at least one of the plurality of images and the second wavelength representing light to acquire at least one other of the plurality of images." During the interview, the examiner agreed that these ranges were not shown or suggested by the art of record and that claim 43 was allowable. Wherefore, the allowance of claim 43 is respectfully requested.

Claim 44 includes limitations regarding reflected light and transmitted light and is submitted to be allowable for at least the same reasons as claim 21.

### CONCLUSION

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the examiner telephone Martin R. Geissler, Applicants' Attorney at 1.703.621.7140 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future

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replies, to charge payment or credit any overpayment to Deposit Account No. 50-3828 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

**Date:** August 24, 2010

Respectfully Submitted,

  
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